

East Lindsey District Council Anti- Social Behaviour Protocol

Introduction

Anti-social behaviour (ASB) is defined as serious and/or persistent behaviour that causes, or is likely to cause, alarm, distress or harassment to one or more people not of the same household as the person engaging in anti-social behaviour.

The purpose of this document is to outline the process that will be adopted when problems are caused by acts of ASB in the East Lindsey district. The ASB Process has been designed to apply to all housing association tenants, private rented tenants and those who own their homes but it can also apply to non-residential areas.

This process can be applied: -

- to any adult or youth who displays anti-social behaviour
- to groups of adults or youths who are engaging in anti-social behaviour
- to gatherings of young people at serious risk of coming into harm.

This process should be adopted in any circumstances where it is judged that: -

- joint intervention would be most effective in modifying behaviour
- the use of civil and criminal legal remedies may be appropriate.

The stages of this process are intended to be generic so that they can be used to consider the use of Acceptable Behaviour Contracts as well as orders or measures available through legislation such as: -

- Crime and Disorder Act 1998,
- Housing Act 1985, 1996 & 2004
- Police and Criminal Justice Act 2001,
- Police Reform Act 2002,
- Children Act 1989,
- Homelessness Act 2002,
- Environmental Protection Act 1990 and
- Anti-Social Behaviour Act 2003, and
- Any other relevant legislation.

This process is intended to complement other criminal or civil processes to ensure that a wide range of measures, that aim to modify anti social behaviour, are considered. It can be used to 'fast-track' cases where speedy intervention is required for persistent and serious offenders. In such cases it will be necessary to ensure that actions are proportionate and consistent, and that the behaviour is sufficiently serious and/or intractable in response to earlier or current interventions which have not been effective.

Prior to embarking upon any type of legal remedy it will be necessary to consider how people in the local authority area (and in some instances adjoining local authority areas) will be protected from harassment, alarm and distress. It will be necessary to demonstrate why such measures have been put into place and to show that they are proportionate to the scale and alleged intractability of the problem. Witnesses and victims will be considered at every stage and updated regularly on the actions taken. Where an Anti social behaviour order or other such enforcement action is taken, the witnesses and victims will be given copies of documents, or informed of the action taken as soon as practicable. Where enforcement action cannot be taken by the relevant agencies the victim will also be informed of other action that can be taken either by themselves or signposted to mediation or support services.

Whilst examining each case or situation, care must be taken that no individual or group of individuals, whether complainant(s) or alleged causer(s), is victimised or discriminated against on grounds of race, gender, age, sexual orientation, disability, religion/belief, social deprivation or transgender.

Information Sharing

It is recognised that both formal and informal co-operation exists between agencies on a daily basis where relevant information is exchanged to ensure that local services are delivered to the community. Where agencies are working together to reduce crime and disorder work together on a daily basis, relevant information exchange is covered under section 115 Crime and Disorder Act 1998.

However, where complainants have raised issues it is essential that the names and identities of alleged perpetrators, and any subsequent information, is discussed in a sensitive and confidential manner. This Joint Protocol on Information Exchange, held between Lincolnshire Police and East Lindsey District Council will enable investigations and the sharing of information for crime and disorder reduction purposes

The sharing of personal information (particularly anything of a sensitive nature, e.g. child protection concerns or criminal convictions) in any anti-social behaviour setting will be confined to representatives of agencies that are signatories to the appropriate sections of the Information Sharing Agreement.

Agencies that are not signatories to the sharing of personal information but have a role to play in a case can be consulted prior to any Multi agency

meeting and can attend such a meeting provided they sign an Information Sharing Agreement for that particular individual case. They can also be involved in any planned joint intervention agreed at the meeting.

Process

Access to the Anti Social Behaviour Process

Referrals to the process will be made by representatives of the Referral Agencies however complaints of anti social behaviour may be received by the Police and Community Safety Team at the local authority directly from the public, in such cases the details will be forwarded to the agencies best suited to assess and respond to the situation locally. It is important that when an agency receives a complaint it is given the opportunity to respond to and address the issue prior to it being referred to the Process, however, it is equally important that where initial actions have not made sufficient progress the case is referred into the Process at the earliest opportunity.

Anti Social Behaviour Referrals and Requests for Anti-Social Behaviour Contracts (ABCs)

Requests for Warning letters and ABCs for adults will be made through the Community Safety Team. All adults requiring an ABC will be referred to a multi-agency meeting and where possible and appropriate they will be considered for support packages. However where the behaviour is sufficiently serious and persistent in nature legal action will be instigated. The Multi-agency meeting will continue to monitor all cases until they have improved to the point that they can be removed from the Process.

Legal Action

Where decisions are made to apply for court action legal advice will be sought and the case file and/or the action plan reviewed to ensure the proposed legal proceedings are appropriate.

It should be noted that some Orders relating to the Crime & Disorder Act 1998 may only be applied for by the Police or Local Authority after having formally consulted with at least each other.

Monitoring and Review

The Community Safety Team will issue Acceptable Behaviour Contract monitoring schedules on a monthly basis to remind anti social behaviour

officers/police officers/community support officers of when review meetings are due. These meetings will be held with the subject on at least three monthly intervals (or more often if required) and will be recorded on an ABC Review Form which is then sent to the Community Safety Team for recording on the database. Decisions to revoke or extend an ABC will be agreed with the lead professional for juveniles or at the multi agency meeting for adults.

Court Orders granted under the Anti Social Behaviour Act 2003, Crime & Disorder Act 1998, Housing Act 1996, Local Government Act 1972 and Police & Criminal Evidence Act 1984 will be reviewed twice annually by a multi agency meeting who will agree on any actions required. All court action will be continually reviewed and monitored on a 6 monthly basis (or more frequent) by the Community Safety Team to ensure conditions continue to be appropriate. All defendants will be given the opportunity to discuss the action taken against them and invited to review meetings where consideration will be made to vary, extend or even discharge orders.

Breaches of orders and injunctions will also be reported to the Community Safety Team and Community Safety officer for review. In cases of Anti-Social Behaviour Order breaches it is best practice for the applicant authority to inform the court as soon as practicable the basis for their application in order for the court to be fully aware of the circumstances behind initial application.

Victim Support

All Victims of anti social behaviour reported to the police and Community Safety Team are contacted and sent an acknowledgment letter, signposted to support services (e.g. victim support, Community Safety, Tenancy Services, Environmental Health etc) and given their local contacts for Neighbourhood Policing and victim support details. This is to ensure that all victims are supported and signposted to the agency/department that is best to deal with their enquiry. It also ensures that all complaints of anti social behaviour are recorded in a central database.